

CHAPTER 448

INSURANCE

SENATE BILL 22-081

BY SENATOR(S) Smallwood and Donovan, Bridges, Buckner, Coleman, Cooke, Coram, Gardner, Ginal, Gonzales, Hansen, Hinrichsen, Hisey, Jaquez Lewis, Kirkmeyer, Kolker, Lee, Liston, Moreno, Pettersen, Priola, Rankin, Rodriguez, Scott, Simpson, Sonnenberg, Story, Winter, Woodward, Fenberg;
also REPRESENTATIVE(S) Tipper and Will, Bennett, Bird, Lindsay, McCluskie, Michaelson Jenet, Soper, Titone.

AN ACT

CONCERNING A REQUIREMENT THAT THE BOARD OF DIRECTORS OF THE COLORADO HEALTH BENEFIT EXCHANGE CREATE A CONSUMER OUTREACH CAMPAIGN TO PROVIDE CONSUMERS WITH COMPREHENSIVE INFORMATION REGARDING COVERED HEALTH-CARE SERVICES, AND, IN CONNECTION THEREWITH, ADJUSTING THE LIMIT ON THE TOTAL AMOUNT OF TAX CREDITS THAT MAY BE GRANTED TO HEALTH INSURANCE COMPANIES.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, **add** 10-22-115 as follows:

10-22-115. Public awareness and education campaign - board - report - repeal. (1) (a) ON OR BEFORE JULY 1, 2023, THE BOARD SHALL CREATE AND IMPLEMENT A PUBLIC AWARENESS AND EDUCATION CAMPAIGN IN ORDER TO EDUCATE CONSUMERS IN COLORADO REGARDING THE OPTIONS FOR OBTAINING HEALTH-CARE COVERAGE.

(b) (I) ON OR BEFORE SEPTEMBER 1, 2023, THE BOARD SHALL USE THE PUBLIC AWARENESS AND EDUCATION CAMPAIGN TO EDUCATE CONSUMERS IN COLORADO ON HOW TO ATTAIN AND RETAIN HEALTH-CARE COVERAGE BASED ON THEIR HEALTH-CARE NEEDS AND FINANCIAL CIRCUMSTANCES SO THEY CAN ACCESS THE HEALTH CARE THEY NEED. THE CAMPAIGN MUST INCLUDE EFFORTS TO:

(A) IMPROVE HEALTH LITERACY AMONG CONSUMERS IN COLORADO;

(B) ASSIST CONSUMERS IN COLORADO WHO LOSE MINIMUM ESSENTIAL COVERAGE; AND

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(C) REDUCE THE NUMBER OF INDIVIDUALS ELIGIBLE FOR HEALTH-CARE COVERAGE WHO REMAIN UNINSURED OR WITHOUT HEALTH-CARE COVERAGE.

(II) THE CAMPAIGN MUST INCLUDE INFORMATION ABOUT ELIGIBILITY AND COSTS WHERE PRACTICABLE.

(c) THE PUBLIC AWARENESS AND EDUCATION CAMPAIGN MUST INCLUDE MARKETING AND OUTREACH TO HELP CONSUMERS IN THIS STATE WHO, AT THE END OF THE COVID-19 PUBLIC HEALTH EMERGENCY AS DECLARED AND EXTENDED BY THE UNITED STATES SECRETARY OF HEALTH AND HUMAN SERVICES, ARE NO LONGER ELIGIBLE FOR BENEFITS UNDER THE "COLORADO MEDICAL ASSISTANCE ACT", ARTICLES 4, 5, AND 6 OF TITLE 25.5, OR THE "CHILDREN'S BASIC HEALTH PLAN ACT", ARTICLE 8 OF TITLE 25.5, TO UNDERSTAND COVERAGE OPTIONS AND TO TRANSITION TO HEALTH-CARE COVERAGE OBTAINED THROUGH THE EXCHANGE.

(d) THE BOARD MAY USE PRINT OR ELECTRONIC MEDIA, WRITTEN MATERIAL, SOCIAL MEDIA, DIRECT MAIL, OR ANY EFFECTIVE MEANS OF OUTREACH TO CREATE AWARENESS AND EDUCATE CONSUMERS THROUGHOUT THE CAMPAIGN.

(2) THE BOARD SHALL ANNUALLY REPORT TO THE COMMITTEE AT THE FIRST SCHEDULED MEETING OF THE COMMITTEE EACH CALENDAR YEAR STARTING IN 2024. THE BOARD SHALL INCLUDE IN THE REPORT THE FOLLOWING INFORMATION:

(a) THE PUBLIC AWARENESS AND EDUCATION CAMPAIGN ACTIVITIES OF THE BOARD IN THE PRIOR CALENDAR YEAR;

(b) THE AMOUNT OF MONEY SPENT ON THE CAMPAIGN IN THE PRIOR CALENDAR YEAR AND A DETAILED ACCOUNTING OF HOW THE MONEY WAS SPENT; AND

(c) ANY RECOMMENDATIONS OF THE BOARD CONCERNING CHANGES TO THE PUBLIC AWARENESS AND EDUCATION CAMPAIGN AND THE CONTINUATION OR REPEAL OF THE DUTIES OF THE BOARD CONCERNING THE CAMPAIGN.

(3) THIS SECTION IS REPEALED, EFFECTIVE DECEMBER 31, 2028. THE COMMITTEE MAY REPORT A BILL TO THE LEGISLATIVE COUNCIL OF THE GENERAL ASSEMBLY PURSUANT TO SECTION 10-22-107 (5) TO EXTEND OR ELIMINATE THE REPEAL DATE IN THIS SECTION.

SECTION 2. In Colorado Revised Statutes, 10-22-110, **amend** (3)(a) introductory portion, (3)(a)(II), (4)(b), and (5) as follows:

10-22-110. Tax credit for contributions to the exchange - allocation notice - rules - repeal. (3) (a) Subject to ~~paragraph (c) of subsection (4)~~ SUBSECTION (4)(c) of this section, an insurance company shall become a qualified taxpayer if all of the following conditions are met:

(II) The total amount of the tax credits granted by the commissioner does not exceed five million dollars; EXCEPT THAT, ON AND AFTER SEPTEMBER 1, 2022, THROUGH AUGUST 31, 2028, THE TOTAL AMOUNT OF THE TAX CREDITS DOES NOT EXCEED NINE MILLION DOLLARS; and

(4) (b) (I) Subject to ~~paragraph (c) of this subsection (4)~~ SUBSECTION (4)(c) OF THIS SECTION, the commissioner shall allocate no more than a total of five million ~~dollars~~ THE FOLLOWING TOTAL AMOUNTS of premium tax credits per year:

(A) BEFORE SEPTEMBER 1, 2022, A TOTAL OF FIVE MILLION DOLLARS;

(B) ON AND AFTER SEPTEMBER 1, 2022, THROUGH AUGUST 31, 2028, A TOTAL OF NINE MILLION DOLLARS; AND

(C) ON AND AFTER SEPTEMBER 1, 2028, A TOTAL OF FIVE MILLION DOLLARS.

(II) EXCEPT AS PROVIDED IN SUBSECTION (4)(b)(III) OF THIS SECTION, the commissioner shall allocate to an insurance company that has declared its intent to contribute to the exchange pursuant to this section tax credits in an amount equal to the amount of premium taxes paid by the insurance company in its quarterly tax payment due on or about July 31 in the order in which the division receives such quarterly tax payments until the full amount of credits available pursuant to this section has been allocated. ~~except that,~~

(III) If ~~such~~ THE amount of PREMIUM taxes or the sum of all the PREMIUM taxes filed by all the insurance companies on any one day would exceed, singly or in the aggregate, the annual maximum aggregate amount of tax credits available under this section, the commissioner shall reduce the allocation to the insurance company whose contribution first exceeds the annual maximum aggregate to the amount needed to satisfy the annual maximum aggregate. If the commissioner is unable to determine the order of receipt of tax payments on that day, the commissioner shall allocate the tax credits to the company or among the companies on a pro rata basis based on the ratio such company's quarterly tax payment bears to the total amount of all such companies' quarterly tax payments until the full amount of credits available pursuant to this section has been allocated.

(5) The board shall use ~~moneys~~ MONEY contributed to the exchange AS FOLLOWS:

(a) THE AMOUNT OF CONTRIBUTIONS FROM INSURERS TO WHICH THE FIRST FIVE MILLION DOLLARS OF TAX CREDITS IS ALLOCATED pursuant to SUBSECTION (4)(b) OF this section and THE interest derived from the deposit and investment of the ~~moneys~~ MONEY, to operate and sustain the exchange and to build reserves; EXCEPT THAT, ON AND AFTER SEPTEMBER 1, 2028, THE TOTAL AMOUNT OF CONTRIBUTIONS AND INTEREST DERIVED FROM THE DEPOSIT AND INVESTMENT OF THE MONEY SHALL BE USED FOR THE PURPOSES SPECIFIED IN THIS SUBSECTION (5)(a).

(b)(I) ANY AMOUNT OF CONTRIBUTIONS FROM INSURERS TO WHICH ANY AMOUNT IN EXCESS OF THE FIRST FIVE MILLION DOLLARS OF TAX CREDITS IS ALLOCATED PURSUANT TO SUBSECTION (4)(b) OF THIS SECTION AND THE INTEREST DERIVED FROM THE DEPOSIT AND INVESTMENT OF THE MONEY, FOR THE PUBLIC AWARENESS AND EDUCATION CAMPAIGN IN SECTION 10-22-115.

(II) THIS SUBSECTION (5)(b) IS REPEALED, EFFECTIVE DECEMBER 31, 2028.

SECTION 3. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final

adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: June 8, 2022